



## Sign Code Revisions

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**Section 1.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas, Chapter 62 (Signs), Section 62-1 – Definitions, is hereby amended as follows:

1. The definition of “*Commercial message*” shall be amended to correct a typographical error in subsection (2) where the word “activcities” shall read “activities.”

This change is to correct a typographical error in the Code.

2. A new definition will be added in its proper alphabetical order and shall read in its entirety as follows:

*Festoon lighting* means a string of white outdoor lights suspended between two points as more fully defined in the Electrical Code (NEC).

Festoon lighting is a particular type of strung lighting often found on patios. This has been permitted, but on occasion businesses have strung other types of lighting outside their building and attempted to call it festoon lighting. This change adds a clear definition of what festoon lighting is.

3. The definition of “*Sign*” shall be amended to read in its entirety as follows:  
*Sign* means any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract attention.

Here, staff is proposing to remove language for the definition that the sign had to be designed to inform or attract attention “of persons not on the premises.” This could lead to a debate about the intent of a design. By removing this language, the Town has clear authority to regulate any sign visible outside the premises on which it is located.

4. The definition of “*Sign, movement control*” shall be amended to read in its entirety as follows:

*Sign, movement control* means a sign which directs vehicular or pedestrian movement within the premises on which the movement control sign is located.

The intent of a movement control sign is to help visitors navigate through a property, particularly in large retail or office complexes. Previous language also stated that movement control signs could direct people within the premises, but also “into the premises”. This resulted in businesses placing arrows on several signs along their frontage to gain additional signage beyond what was intended. The

revised definition removes “into the premises” so that this does not occur.

5. The definition of “*Special event*” shall be amended to read in its entirety as follows:

*Special event* means events which are sponsored in whole or in part by the town.

The previous definition of a special event called out specific Town sponsored events, some of which were no longer in existence, such as WorldFest. Staff is proposing a more generic definition.

**Section 2.** Chapter 62 (Signs), Section 62-33 – Meritorious exceptions, is hereby amended to read as follows:

Sec. 62-33. – Meritorious exceptions.

...

- (b) Fees for an application for a meritorious exception sign shall be \$300.00 for each sign with a maximum amount of \$600.00 per premises for each application.

...

Staff is proposing to raise the fee for a meritorious exception from \$200.00 for each sign to \$300.00 and the maximum fee for a property from \$400.00 to \$600.00. These fees have not been adjusted since they were first established in 1982.

- (d) The following procedures apply to a meritorious exception:

- (1) In the development of the sign criteria, a primary objective has been to ensure against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against overly controlled signage.

- (2) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly not conforming to this chapter and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

- (3) The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or

surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a “sign,” constitutes art that makes a positive contribution to the visual environment.

Here staff is proposing to amend subsection 3. Previously, the language called for a sign review board of appeals made up of three or more Council Members to make recommendations regarding meritorious exceptions to the full Council. To staff’s knowledge this review board was never utilized and seems unnecessarily redundant, therefore staff is proposing to remove reference to it.

Furthermore, staff is proposing to add new language giving the Council greater latitude regarding approving exceptions for art that could fall under the Code’s definition of a “sign.”

**Section 3.** Chapter 62 (Signs), Section 62-34 – Impounded signs, shall be amended to read in its entirety as follows:

Sec. 62-34. – Impounded signs.

- (a) Impounded signs may be recovered by the owner within 15 days of the date of impoundment by paying a fee as follows:
  - (1) A fee of \$20.00 for signs which are 12 square feet or less in size.
  - (2) A fee of \$25.00 for signs which are larger than 12 square feet in size.
- (b) Signs not recovered within 15 days of impoundment may be disposed by the town in any manner it shall elect without liability to the owner.

Staff is proposing to increase the fee that owners are required to pay when they wish to get back an illegal sign has been impounded by staff. The previous fee for a sign 12 square feet or less was \$5 with larger signs costing \$10.

**Section 4.** Chapter 62 (Signs), Section 62-35 – Violations, shall be amended to read in its entirety as follows:

Sec. 62-35. – Violations.

It shall be unlawful for any person to intentionally or knowingly violate any term or provision of this chapter; however, this shall not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided in this chapter that the failure to perform the duty is unlawful. Any person violating any of the terms or provisions of this chapter shall be subject to a fine,

upon conviction, in an amount not to exceed \$500.00, and each and every day of continuation of such violation shall constitute a distinct and separate offense.

A person is responsible for a violation of this chapter if the person is:

- (1) The holder of a permit issued under this chapter, or the owner or agent of the business advertised, or person(s) having the beneficial use of a sign that violates any provision of this chapter;
- (2) The owner of the land or structure on which the sign is located; or
- (3) The person in charge of erecting the sign.

Here, staff has added language allowing the Town to hold the business being advertised responsible for violations to the Sign Code. The goal with this revision is to help enforcement against bandit signs. With the revised language, if staff does not observe the sign being placed, then those being advertised on the sign can still be pursued.

**Section 5.** Chapter 62 (Signs), Section 62-51(b) [Permit] Required, shall be amended to change the fee to \$25.00 for a permit to repair a sign.

Staff is proposing to raise the permit fee to repair a sign from \$10.00 to \$25.00 to more fully recover the cost associated with issuing the permit.

**Section 6.** Chapter 62 (Signs) shall be amended to add a new section 62-81 – Abandoned signs, which shall read in its entirety as follows:

Sec. 62-81. – Abandoned signs.

Within 30 days after any business has abandoned its location or tenant space, the building or former tenant owner, or the building or former tenant agent, or the person having beneficial use of the building, structure, or the lot or tract where such business was located shall remove all signs related to such business or have the sign face replaced with a weatherproof, blank face.

This would be a new section of the Code requiring that businesses remove their sign if they close or move from the premises.

**Section 7.** Chapter 62 (Signs), Section 62-137 – Government signs, shall be amended to read in its entirety as follows:

**Sec. 62-137. - Government signs.**

- (a) Nothing in this chapter shall be construed to prevent the display of governmental signs including signs for the control of traffic or other regulatory

purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and/or aids to service or safety which are erected by or on approval of the town.

Here, a minor change is proposed that would clarify that all Governmental Signs are exempted from the sign code.

(b) Nothing in this chapter shall be construed to prevent the display of the United States, Texas or Addison flag whose size does not exceed 40 square feet and which flag is displayed upon a flagpole which does not exceed 30 feet in height above the natural grade, or when attached to a building, above the finished elevation of the ground floor as defined by the Building Code. The number of flags on a premises shall not exceed 3. All national flags or state flags in excess of the foregoing sizes must apply for a meritorious exception as set forth in subsection 62-32(a).

Several changes are being proposed to this section. First, the previous language was vague as to the types of flags that could be flown. Staff is proposing to limit these to the U.S., Texas, or Addison flag. Second, the proposed language more clearly defines the permissible height of a flagpole. Third, staff proposes a new provision limiting the number of flag poles on a property.

**Section 8.** Chapter 62 (Signs), Section 62-138 – Holiday decorations, shall be amended in part as follows:

**Sec. 62-138. - Holiday decorations.**

All holiday decorations in districts zoned for single-family residential use are exempt from the following regulations. Nothing in this section shall be construed to prevent tree lights or attached building lights of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided such lights shall be displayed November 15 to January 15 only. Additionally, the code enforcement officer may allow tree lights if such lights meet the following criteria:

There is a small change here to remove language stating that a permit is required prior to holiday decorations being installed on non-single-family residential properties. There is no such permit in place.

...

(6) These provisions shall not apply to festoon lighting, which is permitted.

This is a proposed section that clarifies that festoon lighting is not considered holiday decorations.

**Section 9.** Chapter 62 (Signs), Section 62-140 – Gasoline signs, shall be amended to read in its entirety as follows:

Sec. 62-140. – Gasoline signs.

Gasoline price per gallon or credit card signs may be mounted on pump islands only, with the maximum total area of any single sign face not to exceed twelve square feet. One such sign shall be allowed for every four pumps up to a maximum of four signs. All other signage on a pump or pump island shall be limited to the business or fuel identification, operational instructions and state required information.

Currently, signs displaying the cost of gasoline are limited to four square feet and must be located on the pump island. Staff believes this is very restrictive and is proposing to increase this to twelve square feet. With the increased size, staff also proposes limiting the number of these sign to one sign per every four pumps, up to a maximum of four signs.

**Section 10.** Chapter 62 (Signs), Section 62-143 – Single-family, duplex or townhome residential premises, shall be amended to read in its entirety as follows:

Sec. 62-143. – Single-family, duplex or townhome residential premises.

A single family, duplex or townhome residential premises may display one detached, nonilluminated sign which may advertise a garage sale on the premises or refer to the sale or lease of the premises. The sign shall not exceed three square feet. All detached special purpose signs must conform to all the restrictions set forth in this chapter. Except as provided in section 62-247, all political signs must comply with the provisions set forth in this chapter.

In this section, staff has added townhomes to the list of residential premises which may display real estate signage.

**Section 11.** Chapter 62 (Signs), Section 62-145 – Certain vehicular signs, shall be amended to delete subsection (a)(3) and to add subsection (b)(5) which shall read in its entirety as follows:

Sec. 62-145. – Certain vehicular signs.

...

(b) Further, vehicular signs are permitted provided that:

...

(5) The vehicle on which the vehicular sign is located, when on the premises of the business to which such sign relates, shall be parked out of view from the public right of way. If this is not possible due to the

configuration of the site, then the vehicle on which the vehicular sign is located must be parked as far away as reasonably possible from the public right of way.

This is a new section being proposed that will regulate the location of vehicular signs and either eliminate or reduce their visibility from the street.

**Section 12.** Chapter 62 (Signs), Section 62-146 – Window signs, shall be amended to read in its entirety as follows:

Sec. 62-146. – Window signs.

- (a) Signs in windows visible from public rights-of-way are limited to ten percent of the ground floor window area per façade.
- (b) . . .
- (c) In buildings with multiple tenants, these provisions shall be applied to each individual tenant based on the size of the windows located within that portion of the façade adjacent to the tenant's leased premises.

In subsection a, staff is proposing to replace “facing” with “visible from” public rights-of-way. This will allow the Town to regulate signage that is visible from a public street, even if the sign is not directly facing a street. Also, staff is proposing a clarification in how the window signage allowance is calculated. The current language merely states that a business may use 10% of the window area. Therefore, a business in a multi-story building would have a strong argument that they are permitted to utilize 10% of the entire façade including the upper floors in their percentage calculation. In a 10 story building, a business could theoretically have 100% window coverage on the first floor, which is not the intent of the Code. Staff has proposed additional language to clearly limit window signs to 10% of the ground floor window area.

Staff is also proposing to add subsection c. The new language limits a business to only utilizing 10% of the window area that they occupy. This is codifying a current interpretation.

**Section 13.** Chapter 62-162 – Premises signs, shall be amended to amend subsection (d) which shall read in its entirety as follows:

Sec. 62-162. – Premises signs.

. . .

- (d) All signs and their messages shall be mounted parallel to the building surface to which they are attached. No sign or message shall project more



than 18 inches from the surface to which they are attached. No sign shall be located on the roof or project over the roof line of a building. This does not apply to signs located above structural elements of the building, but which remain below the roof of the façade on which the sign is located.

In this section, language is being proposed that would clarify that signs are installed on top of some element of the building, but that do not extend over the roof of the building, are permitted. This type of signage is often installed on top of an entry awning with no backing and is becoming increasingly popular.

**Section 14.** Chapter 62 (Signs), Section 62-163 Area, Subsection (5), shall be amended to read as follows:

Sec. 62-163. – Area.

Total effective area of attached signs shall not exceed the following schedules:

...

(5) The street curb referenced in Schedule B shall be the street curb closest and/or adjacent to the property where the sign is to be installed and distance shall be measured from the closest point on the sign to the closest point on the street curb. Maximum letter/logo height of attached signs shall be determined by Schedule A or Schedule B as follows:

Staff is proposing new language in this section to clarify that the letter heights of a sign are measured from the closest point of the sign to the closest point on the street curb.

...

b) Not more than 50 percent of the letters in each individual sign height category in Schedules A and B may be 25 percent taller than the specified maximum letter/logo height.

The Sign Code has two schedules for indicating the letter heights of a sign. Schedule A measures the height of the sign above grade and Schedule B measures the horizontal distance from the back of curb. When this section was originally drafted, reference to schedule B was inadvertently left out. Staff is proposing to add it.

**Section 15.** Chapter 62 (Signs), Section 62-187 – Multifamily premises, shall be amended to read in its entirety as follows:



### **Sec. 62-187. - Multifamily premises.**

Multifamily premises may have detached signs subject to the following restriction regarding the number of signs. Each premises may have one detached premises sign, provided, however, that premises with more than 750 feet of frontage along a public way, other than an alley, may have one additional detached sign for each 500 feet of additional frontage.

*In this section, staff has proposed removing some language to make the code easier to read, but there is no change in the regulations.*

**Section 16.** Chapter 62 (Signs), Section 62-208 – Real estate/leasing signs, shall be amended to read as follows:

#### **Sec. 62-208. – Real estate/leasing signs.**

Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property or undeveloped land on which the sign is located. Real estate signs are limited to one per lot except for lots with frontage along more than one public right of way. Any lot with frontage along more than one public right of way may have one sign along each public right of way provided that each frontage is at least 300 feet in length and the signs are spaced at least 50 feet apart. Such signs shall not be placed on utility or light poles, public or private. Signs shall be constructed as follows:

*This section has been changed to limit real estate leasing signs to one sign per right of way frontage. Previously, up to four signs could have been located on one frontage in certain circumstances.*

#### **(1) Permanent Real estate/leasing signs:**

...

**Section 17.** Chapter 62 (Signs), Section 62-210 – Construction signs, shall be amended to read in its entirety as follows:

#### **Sec. 62-201. – Construction signs.**

Permission is granted to developers to erect temporary construction signs designed solely to identify contractors, financiers, architects, engineers, and to advertise the coming of new businesses on the premises to which the sign pertains. Such signs shall not be erected prior to the issuance of a building permit for the project to which the sign pertains, and must be removed prior to the issuance of a certificate of occupancy. Such signs shall comply with the provisions of this chapter provided that no sign shall contain more than 36

square feet in effective area. All such signs shall comply with the design standards and regulations as determined by the town. In the case of residential subdivision development, such signs shall be allowed until 75 percent of the residential lots have been sold or 18 months after the issuance of the first certificate of occupancy, whichever event is the first occurring.

The only change being proposed for this section is the addition of the word “solely.” Staff believes that this more clearly states the intent of this section. In the past, developers have wanted to install signs that, while including the permitted information, also included other advertising.

**Section 18.** Chapter 62 (Signs), Section 62-226 – Generally, shall be amended to read in its entirety as follows:

Sec. 62-226. – Generally.

Movement control signs may be erected at any occupancy or upon any premises, other than a single-family or duplex premises, may be attached or detached and may be erected without limit as to number provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of premises who erects a movement control sign shall comply with the following requirements:

- (1) Each sign must not exceed two square feet in effective area.
- (2) Each sign shall be located at least 50 feet behind the back of curb.
- (3) Each sign shall only convey a message which directs vehicular or pedestrian movement within the premises on which the sign is located.
- (4) The sign must contain no advertising.
- (5) Lettering on the attached and detached movement control sign, not to exceed four inches in height, may be used for identification purposes only.

Staff is proposing a number of changes to this section which limit movement control signs from being utilized as additional signage in excess of what would otherwise be allowed by the Code. The changes include requiring that these signs be placed at least 50 feet behind the back of curb and that the signs only convey a message that directs people within the property. This would limit businesses from adding other types of advertising on these signs.

**Section 19.** Chapter 62 (Signs), Section 62-246 – Temporary banner signs; prohibited, exceptions, shall be amended to read in its entirety as follows:

Sec. 62-246. – Temporary banner signs; prohibited, exceptions.

Temporary banner signs are prohibited in all zoning districts in the town except for the following:

Any premises or any nonresidential occupancy may display one banner sign announcing a grand opening of a new business. Display of such sign is limited to a maximum of 60 days per opening. The privilege to begin display of such sign expires three months after the issuance of a certificate of occupancy. Use of grand opening signs only apply to new ownership. Size of banner is limited to 50 square feet with at least one-half of all readable copy stating "Grand Opening" or "Now Open."

Staff is proposing to reduce the time period in which temporary banner signs are permitted for new businesses from six months to three months.

**Section 20.** Chapter 62 (Signs), Section 62-272 – Advertising by balloon prohibited, shall be renamed and amended to read in its entirety as follows:

Sec. 62-272. – Advertising by flag or balloon prohibited.

Advertisement by means of a flag or balloon or other inflated sign anchored to the ground, a building or other structure is prohibited.

The proposed changes in this section clarify that flag signs are not permitted.

**Section 21.** Chapter 62 (Signs), Section 62-280 – Roof signs prohibited, shall be amended to read in its entirety as follows:

Section 62-280. – Roof signs prohibited.

No sign shall be located on the roof or project over the roof line of a building. This does not apply to signs located above structural elements of the building, but which remain below the roof of the façade on which the sign is located.

In this section, language is being proposed that would clarify that signs are installed on top of some element of the building, but that do not extend over the roof of the building, are permitted. This type of signage is often installed on top of an entry awning with no backing and is becoming increasingly popular. Without these changes, it could be construed that these types of signs are roof signs, but staff believes that there is a distinct difference between the two.

**Section 22.** Chapter 62 (Signs), Section 289 – Special Districts, Generally, Subsection (f) Dallas Parkway, shall be amended to add a new sub, subsection (3) which shall read in its entirety as follows:

Sec. 62-389. – Generally

...

(f) Dallas Parkway.

...

- (3) Section 62-270 prohibiting luminaries of any type that outline the elements of a building façade, shall not apply to buildings that are 6 or more stories in height.

When staff held the Work Session discussion, Council indicated a desire to allow the large office buildings along the tollway to have outline lighting. To accomplish this, staff has added subsection 3 to the Dallas Parkway Special Sign District that states that the prohibition on outline lighting does not apply to buildings of 6 or more stories.